

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD J. EVERS and) MARY J. EVERS))) v.))) THE CORYN GROUP, INC.; and) AM RESORTS, LLC; and) APPLE VACATIONS; and) ATKINSON & MULLEN TRAVEL, INC.; and) ATKINSON & MULLEN TRAVEL II, LLC; and) ATKINSON, MULLEN & ROSSO TRAVEL, LLC; and) INVERSIONES VILAZUL; and) AM RESORTS DOMINICANA, S.A; and) AM RESORTS LATINAMERICA, INC.; and) PLAYA HOTELS & RESORTS, S.L.)) NO. 08 6032
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ANSWER WITH AFFIRMATIVE DEFENSES OF DEFENDANTS,
THE CORYN GROUP, INC., APPLE VACATIONS, ATKINSON & MULLEN TRAVEL, INC.,
ATKINSON & MULLEN TRAVEL II, LLC AND
ATKINSON, MULLEN & ROSSO TRAVEL, LLC

1. Denied.
2. Admitted.
3. Denied. Upon information and belief, AM Resorts, LLC is a Delaware corporation.

It is further denied that, upon information and belief, AM Resorts, LLC has "members".

4. Denied. It is admitted only that *Apple Vacations* is the fictitious name by which Atkinson & Mullen Travel, Inc. does business.
5. -7. Admitted.
8. -11. Admitted upon information and belief.

12. Answers incorporated.

13. -14. Denied. To the contrary, Atkinson & Mullen Travel, Inc., Atkinson & Mullen Travel LL, LLC, Atkinson, Mullen & Rosso Travel, LLC, and The Coryn Group, Inc. are corporations separate and distinct from each other and from all other defendants in this case. Apple Vacations is a fictitious name and is not a corporate entity.

15. Denied. It is denied that Answering Defendants own, possess, control, maintain or manage resorts, hotels or destinations.

16. Denied. Denied as conclusions of law. Answering Defendants are separate and distinct entities and are in no manner or form joint ventures.

17. Denied. It is admitted only that Atkinson & Mullen Travel, Inc. is a corporation separate and distinct from any other defendant in this case.

18. Denied. Denied as conclusions of law. It is specifically denied that Atkinson & Mullen Travel, Inc., The Coryn Group, Inc., and AM Resorts, LLC are principals or parents of any other entity or corporation identified as a party to this case or otherwise. Answering Defendants neither own nor control in any manner or form the premises where this incident is alleged to have occurred.

19. Denied.

20. -25. Denied. Defendants incorporate their foregoing answers as fully as though set forth herein at length.

26. Answers incorporated.

27. -31. Denied. Denied also as conclusions of law.

32. Answers incorporated.

33. Denied. It is specifically denied that Responding Defendants "collectively" or otherwise owned, possessed, controlled or maintained Dreams Punta Cana Resort & Spa.

34. Denied. Denied also as conclusions of law.

35. Denied. After reasonable investigation, Responding Defendants are without information sufficient to form a belief as to the truth of these averments and strict proof at trial is demanded.

36. -37. Denied.

38. Denied. It is specifically denied that Responding Defendants have equity interests in the ownership or management of either Dreams or Sunscape Punta Cana resort or that they possessed, controlled or maintained either location in any manner or form.

39. -45. Denied. After reasonable investigation, Responding Defendants are without information sufficient to form a belief as to the truth of these averments. By way of further specific answer, Answering Defendants at all times acted with due care.

46. Answers incorporated.

47. -48. Denied. Denied as conclusions of law. By way of further specific response, Responding Defendants at all times acted with due care.

49. -53. Denied. Defendants incorporate their answers to paragraphs 39 and 47 as fully as though here set forth at length.

54. Answers incorporated.

55. -56. Denied. Answering Defendants incorporate their answers to paragraph 49.

WHEREFORE, Defendants Atkinson & Mullen Travel, Inc., Atkinson & Mullen Travel II, LLC, Atkinson, Mullen & Rosso Travel, LLC, Apple Vacations and The Coryn Group, Inc. demand

judgment in their favor and against the plaintiffs, together with such costs and expenses as the law and equity may permit.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by virtue of the contributory negligence of plaintiff Richard Evers in accordance with the laws of the Dominican Republic.

SECOND AFFIRMATIVE DEFENSE

Alternatively, Plaintiffs' claims are limited or barred by the contributory negligence of plaintiff Richard Evers pursuant to the Pennsylvania Comparative Negligence Act.

THIRD AFFIRMATIVE DEFENSE

Responding Defendants assert that the law governing Plaintiffs' causes of action including the liability and damage issues raised in the Complaint are the laws of the Dominican Republic.

FOURTH AFFIRMATIVE DEFENSE

Responding Defendants assert that Plaintiffs' claims fail to state a cause of action upon which this Court can grant relief.

FIFTH AFFIRMATIVE DEFENSE

Responding Defendants assert that the claims asserted by Plaintiffs, if true, were caused by persons or entities over whom and over which Responding Defendants had no control nor right of control.

SIXTH AFFIRMATIVE DEFENSE

Responding Defendants do not now nor have they ever owned, operated, managed or controlled the premises upon which the incident giving rise to Plaintiffs' cause of action is alleged to have occurred.

SEVENTH AFFIRMATIVE DEFENSE

At no time did Responding Defendants' duties in any way involve the management of the hotel and resort premises upon which the incident giving rise to Plaintiffs' cause of action is alleged to have occurred.

EIGHTH AFFIRMATIVE DEFENSE

Responding Defendants are not the insurers nor are they the guarantors that Plaintiffs will be safe from harm from any source while on vacation.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs were not invitees of Answering Defendants in any manner or form.

TENTH AFFIRMATIVE DEFENSE

Atkinson & Mullen Travel, Inc. did not, at any time relevant or otherwise, own, operate, manage or control Dreams Punta Cana Resort & Hotel, the premises upon which the incident giving rise to Plaintiffs' cause of action is alleged to have occurred.

ELEVENTH AFFIRMATIVE DEFENSE

Atkinson & Mullen Travel, II, LLC did not, at any time relevant or otherwise, own, operate, manage or control Dreams Punta Cana Resort & Hotel, the premises upon which the incident giving rise to Plaintiffs' cause of action is alleged to have occurred.

TWELFTH AFFIRMATIVE DEFENSE

Atkinson, Mullen & Rosso Travel, LLC did not, at any time relevant or otherwise, own, operate, manage or control Dreams Punta Cana Resort & Hotel, the premises upon which the incident giving rise to Plaintiffs' cause of action is alleged to have occurred.

THIRTEENTH AFFIRMATIVE DEFENSE

The Coryn Group, Inc. did not, at any time relevant or otherwise, own, operate, manage or control Dreams Punta Cana Resort & Hotel, the premises upon which the incident giving rise to Plaintiffs' cause of action is alleged to have occurred.

FOURTEENTH AFFIRMATIVE DEFENSE

Apple Vacations is a fictitious name by which Atkinson & Mullen Travel, Inc. does business.

BY:

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Apple Vacations, and
The Coryn Group, Inc.

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 AM RESORTS LATINAMERICA, INC.; and)
 PLAYA HOTELS & RESORTS, S.L.)

CERTIFICATE OF SERVICE

I, PETER A. DUNN, ESQUIRE, hereby certify that a true and correct copy of the foregoing Answer With Affirmative Defenses of Defendants The Coryn Group, Inc., Apple Vacations, Atkinson & Mullen Travel, Inc., Atkinson & Mullen Travel II, LLC and Atkinson, Mullen & Rosso Travel, LLC was served by U.S. Mail, First Class, postage prepaid, as set forth below on December 30, 2008.

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Apple Vacations, and
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